

U.S. Department of Labor

Occupational Safety and Health Administration
4407 Bland Road Suite 210, Somerset Park
Raleigh, NC 27609
Phone: 919-790-8096 Fax: 919-790-8224



Notice of Unsafe or Unhealthful Working Conditions

To:

U. S. Dept. of Interior, dba National Park Service
199 Hemphill Knob Road
Asheville NC 28803

Inspection Number: 418783**Inspection Date(s):** 05/07/2012 - 05/11/2012**Issuance Date:** 11/02/2012**Inspection Site:**

199 Hemphill Knob Road
Asheville NC 28803

The violation(s) described in this Notice is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below

This Notice of Unsafe and Unhealthful Working Conditions (Notice) describes violations of the Occupational Safety and Health Act of 1970, the Executive Order 12196, and 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. You must abate the violations referred to in this Notice by the dates listed unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Notice you request an Informal Conference with the US Department of Labor Area Office at the address shown above.

Posting – The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because the nature of the employer's operations, where it will be readily observable by all affected employees. This Notice must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that

the violation was corrected during the inspection, no abatement certificate is required for that item.

Program Responsibilities - Section 19(a)(1) of the OSH Act requires the head of each Federal agency to comply with applicable occupational safety and health standards. The intent of this section and Executive Order 12196 implemented through 29 CFR 1960.8(b), if you cited for violations of applicable safety and health standards, you have also violated the program element 29 CFR 1960.8(b), which stipulates:
"The head of each agency shall comply with the Occupational Safety and Health Administration standards applicable to the agency."

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director within 15 working days after receipt of this Notice. As soon as the time, date, and place of the informal conference have been determined please complete the enclosed "Notice to Employees" and post it where the Notice is posted. During such an informal conference you may present any evidence or views you believe would support an adjustment to the Notice. In addition, bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

Inspection Activity Data - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at www.OSHA.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES

An informal conference has been scheduled with the Occupational Safety and Health Administration (OSHA) to discuss the Notice of Unsafe or Unhealthful Working Conditions (Notice) issued on 11/02/2012. The conference will be held by telephone or at the OSHA office located at 4407 Bland Road, Suite 210, Somerset Park, Raleigh, NC 27609 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

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List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 4407 Bland Road Suite 210, Somerset Park Raleigh NC 27609**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

NAME OF COMPANY OFFICIAL

DATE

TITLE

NOTE: 29 USC 666.(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.

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Notice 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.254(d)(8): Welding cables with splices within 10 feet (3 m) of the holder were used:

B179 Oteen Maintenance Shop: Welding cable was damaged and spliced with black tape exposing employees to a potential electrical shock hazard greater than 50 volts.

Date by which Violation must be Abated: Corrected During Inspection

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Notice 1 Item 2a Type of Violation: **Serious**

29 CFR 1910.303(b)(1)(ii): Electrical equipment was not free from a recognized hazard that was likely to cause death or serious physical harm to employees, in that the employer did not provide conduit with the mechanical strength and durability designed to enclose and protect circuit conductors wiring as required by NEC-2008, Article 300.37.

On or about 9 May 2012, 240 volt AC circuit conductor wires were installed as loose conductors running on the ground exposed to damage by lawn maintenance equipment.

ABATEMENT CERTIFICATION REQUIRED

Date by which Violation must be Abated: 11/17/2012

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Notice 1 Item 2b Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

240 volt AC circuit conductor wires were installed as loose conductors running through a hole in a concrete a wall and along the building's inside wall.

ABATEMENT CERTIFICATION REQUIRED

Date by which Violation must be Abated: 11/17/2012

Notice 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.303(b)(1)(viii): Safety of equipment was not determined using considerations for other factors which contributed to the practical safeguarding of employees using or likely to come in contact with the equipment:

On or about 9 May 2012, an outlet next to the drinking fountain was not protected with a ground fault circuit-interrupter protection (GFCI), and employees were exposed to shock hazards.

ABATEMENT CERTIFICATION REQUIRED

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Notice 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.303(b)(7)(iv): There were damaged parts that could adversely affect safe operation or mechanical strength of the equipment, such as parts that were broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating.

B179 Oteen Maintenance Shop: Equipment power cord was damaged due to age and use exposing employees to live conductor wires.

Date by which Violation must be Abated: Corrected During Inspection

Notice 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.305(j)(2)(v): A receptacle installed outdoors in a location protected from the weather or in other damp locations did not have an enclosure for the receptacle that was weatherproof. 29 CFR 1910.305(j)(2)(v):

Craggy Gardens Pump house: Employer failed to use a weatherproof receptacle in a wet location.

ABATEMENT CERTIFICATION REQUIRED

Date by which Violation must be Abated: 11/17/2012

Notice 1 Item 6 Type of Violation: **Serious**

29 CFR 1960.8(a): The Agency head did not furnish employment and a place of employment to each employee that were free from recognized hazards that caused or were likely to cause death or serious



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physical harm:

Haw Creek Valley Overlook at Mile Post (MP 380): Employees cutting grass were exposed to hazards of tip-over and falling while operating a zero-turn radius riding lawn mower near an unprotected sloped edge. Among feasible methods of abatement to correct this hazard are: 1. Keep lawn mower tractors from the edges of the (sloped) embankments. Provide tools to ensure that employees stay away from the edges of unprotected edges. 2. Evaluate the terrain and any potentially sloped conditions by a qualified person to ensure that the mower is operated at safe speeds and safe distances from such hazards. 3. Develop, implement, and enforce procedures to prevent employees from coming into close proximity to unprotected edges when performing landscaping work. 4. Train all employees regarding new procedures when one is put in place, and prior to the beginning of each season. 5. Ensure that hazards listed in equipment manufacturer operator's manuals and other relevant references are included in the JHAs and are routinely reviewed by the employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 11/17/2012

Notice 2 Item 1 Type of Violation: **Repeat - Serious**

29 CFR 1910.151(c): Where employees were exposed to injuries corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

Craggy Gardens: An eyewash station capable of at least 15 minutes of continuous flow was not available to employees engaged in water treatment.

Notice Citation #002, Item 001, 29 CFR 1910.151(c) as required by 29 CFR 1960.8(b): The employer failed to install a 15 minute flow eyewash. The employer was cited for a violation of the same standard on 10/03/2008, Inspection # 309094324, 10/29/2008 of final order/settlement, and

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was abated by installing an eyewash station in the communications ship garage.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 11/17/2012

Notice 2 Item 2 Type of Violation: **Repeat - Serious**

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertained to their respective job assignments:

On or about 8 May 2012, maintenance mechanics required to work on 50-240v electrical installation, troubleshooting and repairs were not trained and familiar with safety-related-related work practices

Notice #001, Item 002a, 29 CFR 1910.332(b)(1) as required by 29 CFR 1960.8(b): Employees were not trained in and familiar with the safety-related work practices. The employer was cited for a violation of the same standard on 10/03/2008 inspection # 309094316, 10/29/2008 of final order/settlement, and was abated by developing safety procedures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 12/04/2012

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Notice 2 Item 3 Type of Violation: **Repeat - Serious**

29 CFR 1910.333(c)(2): Qualified persons were not capable of working safely on energized circuits and were not familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools.

Qualified employees were not trained in and familiar with safety-related work practices associated with electric arc flash protection.

Notice Citation #001, Item 0018, 29 CFR 1910.333(c)(2) as required by 29 CFR 1960.8(b): The employer failed to assess the workplace hazards. The employer was cited for a violation of the same standard on 04/24/2012, Inspection # 315915553, 05/16/2012 of final order/settlement, and was abated by hiring a qualified employee.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 11/17/2012

Notice 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(2)(i): The employer did not determine if the voluntary use of a respirator did not in itself create a hazard:

The employer using respirators voluntarily did not provide employees with Appendix D. Examples of respiratory use include, but are not limited to: cutting/grinding concrete and painting.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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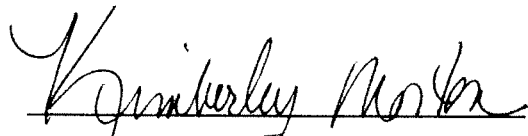
Date by which Violation must be Abated: 11/17/2012

Notice 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.305(b)(1)(i): Conductors entering cutout boxes, cabinets, or fittings were not protected from abrasions:

- a) Craggy Gardens Pump house: A 120 volt junction box was not enclosed and protected and from abrasion, which exposed employee to live parts.
- b) B179 Oteen Maintenance Shop: Boiler pump conductor entering wall mounted box was not enclosed and protected from abrasion, which exposed employees to live parts.

Date by which Violation must be Abated: Corrected During Inspection


Kimberley Morton
Area Director